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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,361	01/19/2000	William Geoghegan	SYNC-001/01US	3076

22903 7590 07/09/2002

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EXAMINER

PORTER, RACHEL L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/487,361

Applicant(s)

GEOGHEGAN ET AL.

Examiner

Rachel L. Porter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1-2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-3 are pending.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference sign(s) not mentioned in the description. These reference sign(s) include #'s 30 and 35 (Figure 1) and #250 (Figures 2 and 3). While these particular reference numbers have been noted, the Examiner respectfully requests that the Applicant review all Figures to ensure that all reference numbers noted in the drawings are also referenced in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

2. Claims 1 and 2 are objected to because of the following informalities: it appears that guest has been misspelled as "quest" in line 2 of claim 1 and line 2 of claim 2. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa (US Patent No. 5,732,39) in view of "Red Roof Inns Implements. . ." (referred to hereinafter as Red)

As per claim 1, Tagawa teaches a method for determining a room rate for a guest comprising:

- receiving guest information from a first guest, said guest information comprising at least one of: a name, a market segment, and a point of origin (Figures 5a-5b; col. 12, lines 30-64; col. 13, lines 17-20)
- receiving a first room request from said first guest, said first room request including at least one of: an arrival date, length of stay, a room feature; (Figures 5a-5b; col. 12, lines 30-64)
- determining a first room rate for said first guest (col. 13, lines 21-25)

Tagawa teaches a method/system to assist a user (e.g. guest) in searching for and reserving hotel accommodations. The system receives the user's selection criterion (i.e. guest information and room request information). The guest and room request information may include the type of hotel the guest is seeking (i.e. market segment—

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budget, mid-range, deluxe) (col. 12, lines 51-55), a guest name (col. 13, lines 17-20) and the guest's desired arrival date and length of stay (i.e. check-in/check-out dates). Furthermore, the system determines a room rate for the guest (i.e. the total cost for the reservation). Tagawa also teaches that the system may offer hotel pricing specials for certain participating vendors/hotels if the room supply (i.e. inventory) allows (col. 13, lines 32-36). Tagawa does not specifically teach that room rate is based on a comparison between guest information and historical information associated [with] similar guests, and a comparison between said first room request and a forecast of demand of a similar request, said forecast of demand based on historical data. Red teaches the use of a revenue management system for hotel reservations that analyzes (i.e. compares) current and historical data on room requests and guest occupancy (i.e. guest information) to forecast room demand and to determine room rates. (Red, paragraph 1). At the time of the Applicants' invention, it would have been obvious to one of ordinary skill in the art to modify the teaching of Tagawa with the teaching of Red to consider (compare) current and historical room request and guest data (i.e. occupancy levels) to forecast room demand and to determine a room price. As suggested by Red, one would have been motivated to do this to maximize hotel revenue and to ensure that the rooms are sold to the appropriate guest at the best price. (Red, paragraph 2).

Red does not specifically teach that the historical data used in the analysis is data associated with similar guests. However, it is respectfully submitted that at the time of the Applicants' invention, it would have been obvious to one of ordinary skill in

art to base the demand and cost analysis (i.e. comparison) on historical data from similar guests. One would have been motivated to do this to ensure that the analysis and resulting demand forecast would be as detailed and accurate as possible.

As per claim 2, the limitations of this claim are substantially similar to those of claim 1 and as such are addressed in rejection of claim 1. Claim 2 differs from claim 1 in that it recites receiving guest information and a room request from a second guest. It is respectfully submitted that the method taught by Tagawa in view of Red (receiving guest information, receiving room request data, analyzing current and historical data to forecast demand and to determine a room rate) would accommodate one or more users (i.e. first guest, second guest, third guest. . .) making a (hotel) reservation. Thus, a method that receives of the guest/room request information from a first user (guest) and determines a price for that user would also be able to receive guest information and room data and determine a room rate for different users (i.e. second, third guests).

Claim 2 further differs from claim 1 it recites that the second room request is similar to the first room request and that the second room rate is different from the first room rate. It is unclear from Tagawa and Red whether the room rate that is determined is based on similar room request data (data similar among different guests) and whether the room rate for a similar room request differs from guest to guest. However, Red does teach a method of processing current and historical guest information to offer room rates that will maximize revenue for the hotel. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art that the method of Tagawa in view of Red includes generating different room rates for different guests,

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even when the room request data for those guests is similar. One would have been motivated to offer differential or special pricing to different guests for similar rooms to appeal to various market segments (i.e. senior, motor club members, frequent travelers), thereby maximizing hotel reservations and revenue in light of forecasted market demand as suggested by Red. (paragraph 1)

As per claim 3, the limitations of this claim are substantially similar to those of claim 1 and as such are addressed in rejection of claim 1. Claim 3 differs from claim 1 in that it recites receiving guest information and a room request from a second guest. It is respectfully submitted that the method taught by Tagawa in view of Red (receiving guest information, receiving room request data, analyzing current and historical data to forecast demand and to determine a room rate) would accommodate one or more users (i.e. first guest, second guest, third guest. . .) making a (hotel) reservation. Thus, a method that receives of the guest/room request information from a first user (guest) and determines a price for that user would also be able to accept guest information and room request data determine room rates for different users (i.e. second, third guests).

Claim 3 further differs from claim 1 it recites that the second guest data is similar to the first guest information and that the second room rate is different from the first room rate. Red teaches a method of processing current and historical guest information (i.e. occupancy data) to determine room rates. However, it is unclear from Tagawa and Red whether the room rate that is determined is based on similar guest information (data similar among multiple guests) and whether the room rate for may differ for similar guest(s). At the time of the Applicant's invention, it would have been obvious to one of

ordinary skill in the art that the method of Tagawa in view of Red includes generating different prices/room rates for similar guests. As suggested by Red, it would be obvious to include this feature so hotels could set room rates that would maximize revenues under various forecasted market demand conditions. (Red, paragraph 14) In other words, hotels would charge according to what the market will bear and not base charges solely on guest data similarities.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Too Many Rooms at the Inns" teaches the use of yield management systems in the hotel industry.
- Long ("Hyatt Targets High Biz Travel Yields") discloses use of yield management systems to grant priority to certain market segments.
- Campbell et al (US Patent No. 5,918,209) teaches a system and method for determining marginal values for flight tickets and hotel rooms.
- Kerr et al (US Patent No. 5,404,291) teaches a system for centralizing hotel inventory and reservation data.
- Schneider (US Patent No. 5,832,452) teaches a system that enables users to search and price hotel information.
- Coll et al (US Patent No. 5,581,461) teaches a system for managing and tracking hotel inventory from a central processor.

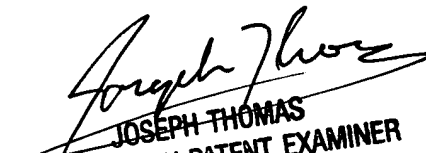


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is 703-305-0108. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703)305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

RP  
RP  
June 25, 2002

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
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